



TALKING POINTS

FREE AND FAIR ELECTIONS

What's at Stake

- At the most basic level, a free and fair election can be recognized by contrast to its opposite — an election that is rigged, restricted, or meaningless.
- In a true democracy, elections are how “the governed” give consent. In their absence, those in power rule by control or coercion, not by the will of the people.
- Just as the Rule of Law depends on clear, consistent, and fair rules, so too does a legitimate election depend on fairness as to who can vote, how they vote, and how those votes are counted. These are the three pillars of a functioning democracy:
 1. As many people as possible can participate.
 2. Every vote cast has equal weight and meaning.
 3. The count is safe, secure, and trusted.

1. As Many People as Possible

A democracy's legitimacy depends on broad participation. Therefore, systems of voting should be designed to encourage as many citizens as possible to exercise their right to vote. The right to vote means little if registering or casting a ballot is difficult or there is uncertainty about whether one's vote will be counted. History reminds us that in the Jim Crow South, registration barriers were used to deny Black citizens the vote. The *Civil Rights Act of 1965* curbed those abuses, but vigilance remains essential today.

➤ **Easy and Accessible Registration**

- ✓ The *Motor Voter Act* of the 1990s expanded registration opportunities to include Departments of Motor Vehicles and other public offices — a crucial reform that brought registration closer to everyday life and made it easier for more people to vote. These provisions are now under threat in some states.
- ✓ Registration requirements should be simple and accessible. Demanding birth certificates or passports excludes many, particularly the poor. Maintaining voter rolls fairly is equally important: legitimate voters must remain eligible, while records of those who have died or moved should be updated using reliable data sources — not partisan “purges” or suspect mail challenges.

➤ **Identification Rules Should Be Fair for Everyone**

- ✓ If voter ID is required, the process must be fair and the documents readily available to everyone entitled to them.



Increasing restrictive ID measures should only occur when there is actual, provable evidence of widespread voter fraud or some other widespread infraction that requires additional measures.

- ✓ Identification laws should never be used as tools of exclusion.

➤ **Convenient and Fair Voting Opportunities**

- ✓ Voting should fit the lives of modern citizens and be designed to encourage them to vote. Early voting, mail-in voting, ballot drop boxes, accessible polling sites, and adequate hours all expand participation.
- ✓ Efforts to limit these options disproportionately harm working people, seniors, students, and voters with disabilities. Courts have repeatedly upheld the legitimacy and security of mail-in voting — attacks on it are political, not factual.

2. Meaningful Voting

Casting a ballot must carry genuine weight. That requires fair districts, accessible ballots, and a political system that reflects voter choice rather than distorts it.

➤ **Voting Districts and Gerrymandering**

- ✓ District lines should represent communities — not manipulate them. When legislatures draw districts to entrench one party's power, the result is *gerrymandering*, which undermines equal representation.
- ✓ Racial gerrymandering is unlawful, and extreme partisan gerrymandering, though permitted by current courts, is profoundly undemocratic.
- ✓ Partisan gerrymandering is antithetical to free and fair elections.

➤ **Referenda**

- ✓ Ballot measures let voters decide issues directly, but unclear or misleading language can turn democracy into confusion. Referenda should be written in plain language and present issues with fairness and clarity.

➤ **Ballot Access**

- ✓ Voters deserve real choices.
- ✓ Complex petitioning rules and technical challenges often keep viable candidates off the ballot before an election even begins. Developing alternatives to simplify ballot access would make elections more competitive and representative.



➤ **Campaign Funding**

- ✓ Money is the oxygen of modern politics, but too much of it comes from a small number of hidden donors. Unlimited independent spending erodes public trust and encourages elected officials to prioritize special interests.
- ✓ Public financing, donor disclosure, and stronger oversight of campaign spending can help restore balance so ordinary citizens' voices matter as much as those of wealthy contributors.

3. A Safe and Secure Tally

Free elections depend on accurate, transparent, and trusted vote counts.

➤ **Secure Machines and Reliable Lists**

- ✓ Voting systems must be tested, verifiable, and disconnected from the Internet during use. States already review the accuracy of voting machines before they purchase them, and they publicly test them before elections.
- ✓ Maintaining secure and accurate voter lists — without improper purges — ensures confidence in the process.

➤ **Transparency and Oversight**

- ✓ Poll watchers and observers from all parties, as well as civic groups, should always be able to witness voting and counting in a meaningful way.
- ✓ Recounts, where necessary, should include both machine and hand counting to verify accuracy.

➤ **Professional Administration**

- ✓ Local clerks and election staff are the backbone of democracy. Their integrity and professionalism ensure that every vote is counted as cast.
- ✓ Citizens can help protect democracy by serving as poll workers or election observers.

In Summary

Democracy's promise depends on *who* can vote, *how* they can vote, and *how* their votes are counted.

- The health of our republic rests on systems that make participation in elections easy, representation fair, and results trustworthy.
- Protecting those systems protects the very idea of self-government.

These Meeting the Moment Talking Points were prepared by State Leads Hal Kwalwasser and Phyllis Arnold.